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URGENT

DATE December 17, 2002

	NAME	FAX	PHONE
TO	Examiner Patricia Bex Commissioner for Patents – USPTO - Art Unit 1770	(703) 872-9311	(703)306-5697

FROM Maritza D. Kidd (650) 849-4800 (650) 849-4481
 maritza.kidd@bingham.com

PAGES (INCLUDING THIS COVER PAGE): 6

RE SN. 09/156,952 – NOTICE OF APPEAL

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Message:

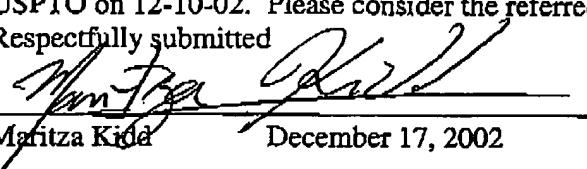
Serial No. 09/156,952 - Filed 9-18-1998

Inventor: Roy Ostgaard, et al

I hereby declare that the enclosed NOTICE OF APPEAL (2 pages) for the above identified application, along with a power of attorney (2 pages) and a fax report with certificate of facsimile transmission dated 12/10/02 (1 page) were transmitted to the USPTO fax number (703) 872-9311 on December 10, 2002.

Also enclosed, the transmission report dated 12-10-02 that shows that the facsimile with Notice of Appeal and power of Attorney were successfully transmitted to the USPTO on 12-10-02. Please consider the referred Notice of Appeal as timely filed.

Respectfully submitted


Maritza Kidd

December 17, 2002

Enclosures:

Notice of Appeal (2 pages)

Power of Attorney (2 pages)

Fax transmittal with certificate of facsimile transmission and transmittal report on 12/10/02 (1 page)

For transmission problems, please call (650) 849-4825

Caution - Confidential

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FROM Maritza D. Kidd (650) 849-4800 (650) 849-4481
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PAGES (INCLUDING THIS COVER PAGE): 5

RE Notice of Appeal for SN. 09/156,952

Message:

PLEASE DELIVER TO EXAMINER PATRICIA BEX
Re: US Application Serial No. 09/156,952
Filed 9/18/1998
Inventor: Roy Ostgaard, et al

I hereby certify that a Notice of Appeal with authorization to charge fee to deposit account (2 pages); and power of attorney by assignee (2 pages) are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

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PATENT
Docket No. CYM-025
24738-7003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Roy Ostgaard, et al
Serial No.: 09/156,952
Filed: September 18, 1998
For: SAMPLE VIAL FOR USE IN
PREPARING CYTOLOGICAL
SPECIMEN

Group Art Unit: 1770
Examiner: Patricia Bex

Box Appeal
Commissioner for Patents
Washington, D.C. 20231

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated September 11, 2002 of the Examiner rejecting claims 1-8, 10 and 12-26.

The items checked below are appropriate.

- Appeal Fee:
 - Large Entity Fee of \$320.00; or
 - Small Entity Fee of \$160.00.
 - Applicant(s) claim Small Entity Status under 37 CFR § 1.27.
- Petition for Extension of Time (3 mos.)
 - Petition for Extension of Time Fee
- Return Postcard.

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. §1.6 (d))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via fax on the date shown below to U.S. Patent and Trademark's fax number (703) 872-9311 addressed to the Commissioner for Patents, Washington, D.C.

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Docket No. CYM-025
24738-7003

Payment of Fees

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 Please charge Deposit Account No. 50-1189, in the amount of \$320.00 to cover the above-fees referencing billing reference No. 24738-7003. A *duplicate copy of this sheet is enclosed.*
 The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1189. A *duplicate copy of this sheet is enclosed.*

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: 12-9-02

By: David T. Burse
David T. Burse
Reg. No. 37,104



23639

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